

EXPEDITED CHILD SUPPORT PROCESS

MOTION TO CORRECT CLERICAL MISTAKES

IMPORTANT NOTICES

YOU CAN USE THIS PACKET OF FORMS ONLY IF you have a child support order that contains clerical mistakes, typographical errors, or mathematical errors.

- The court will consider your request without a hearing.
- Court personnel, the county attorney's office, and the child support office **cannot** help you fill out these forms.
- You may need to speak with a lawyer if you do not know how to answer the questions on these forms.
- You **must** fill out the Motion to Correct Clerical Mistakes form and the Affidavit of Service included with this packet. Read and follow the instructions completely.
- Type your answers or print neatly using dark ink.

GENERAL INFORMATION

The forms included in this packet are for use by individuals who want the court to correct clerical mistakes, typographical errors, or mathematical errors in an existing support order. You may not use these forms to bring other requests or questions before the court.

The forms are for use by individuals representing themselves or for attorneys. They are not a substitute for use of an attorney. Using these forms will not guarantee that the court will grant your request. When filling out the forms be as accurate and as detailed as possible. The court needs to clearly understand what you are claiming is the clerical mistake or error before the court can make any corrections to the order.

INSTRUCTIONS

STEP 1 FILL OUT THE “MOTION TO CORRECT CLERICAL MISTAKES” FORM

STEP 1a: The information to fill in the boxes and blanks at the top of the form can be found at the top of your current child support order, including:

- The county where your case is located and where the current order was issued (which may be different from the county where you live).
- The number of the judicial district where your case is located and where your current order was issued.
- The court file number.
- The name of the Petitioner/Plaintiff.
- The name of the Respondent/Defendant.

If you are the Petitioner/Plaintiff in the current order or decree you will be the Petitioner/Plaintiff in this motion. If you are the Respondent/Defendant in the current order or decree you will be the Respondent/Defendant in this motion.

STEP 1b: Fill in the name and last known address of the other party and the county attorney’s office where your case is located. Fill in the date the current order was signed by the court.

STEP 1c: List all of the clerical mistakes, typographical errors, and mathematical errors that you think are in your order. You may list as many errors and mistakes as you wish, but it will be up to the court to decide what corrections (if any) will actually be ordered.

STEP 1d: If you ordered a transcript, check off the box and fill in the date you filed your Request for Transcript.

STEP 1e: **ONLY DATE AND SIGN THE “MOTION TO CORRECT CLERICAL MISTAKES” FORM WHEN YOU ARE IN FRONT OF A NOTARY PUBLIC OR THE COURT CLERK. MAKE SURE TO BRING PICTURE IDENTIFICATION TO SHOW TO THE NOTARY PUBLIC OR CLERK.**
A Notary Public can usually be found at a bank and sometimes at the courthouse.

STEP 2 MAKE COPIES OF FORMS
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After the forms are completely filled out, make three copies of the completed “Motion to Correct Clerical Mistakes” form. Keep one copy of the form for yourself.

STEP 3
HAVE COPIES OF THE MOTION SERVED
ON THE OTHER PARTY AND COUNTY AGENCY

You must arrange for the other party and the county attorney's office to receive copies of your papers. This is called "service of process." A copy of the motion must be served upon all parties, either personally or by mail. Personal service means the documents are hand delivered to the other party personally or leaving the documents at that party's place of residence with some person who is 18 years or older who also lives at the same residence. If a party is represented by an attorney, the documents must be served on the attorney instead of the party.

NOTE! YOU CANNOT SERVE THE MOTION YOURSELF. YOU MUST HAVE SOMEONE ELSE OVER THE AGE OF 18 WHO IS NOT A PARTY TO THE CASE HAND DELIVER OR MAIL THE MOTION FOR YOU.

STEP 4
COMPLETE THE "AFFIDAVIT OF SERVICE" FORM

The person who hand delivers or mails the motion must fill out an "Affidavit of Service" form for each party served. You will need to make additional copies of the blank "Affidavit of Service" form.

NOTE! THE PERSON WHO HAND DELIVERS OR MAILES THE MOTION MUST SIGN THE "AFFIDAVIT OF SERVICE" IN FRONT OF A NOTARY PUBLIC OR THE COURT ADMINISTRATOR. MAKE SURE THE PERSON BRINGS PICTURE IDENTIFICATION TO SHOW TO THE NOTARY PUBLIC OR CLERK.

STEP 5
FILE THE FORMS WITH THE COURT ADMINISTRATOR

The original "Motion to Correct Clerical Mistakes" and the "Affidavit of Service" must be filed with the Court Administrator in the county where your case is located.